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**BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE  
OF THE STATE OF IDAHO**

STATE OF IDAHO, DEPARTMENT OF  
FINANCE, CONSUMER FINANCE  
BUREAU,

Complainant,

vs.

STANDLEY and ASSOCIATES, LLC

Respondent.

Docket No. 2012-9-22

**ORDER TO CEASE AND DESIST**

The State of Idaho, Department of Finance (Department), pursuant to the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.* (the Act), hereby alleges the following facts that constitute a basis for the issuance of an order pursuant to § 26-2244(1) of the Act, requiring STANDLEY and ASSOCIATES, LLC (hereinafter referred to herein as “Respondent”), to immediately cease and desist from violating the Act.

**RESPONDENT**

1. Respondent STANDLEY and ASSOCIATES, LLC is a Colorado limited liability company formed on May 1, 2008. From information filed with the Colorado Secretary of State,

Respondent lists its principal address as 5005 West 81<sup>st</sup> Place, Suite 200, Westminster, Colorado. James J. Standley is Respondent's Principal and registered agent.

2. James J. Standley is licensed to practice law in Colorado, but he has not been admitted to practice in Idaho.

3. It appears Respondent is engaged in the business of debt acquisition and debt collection. According to <http://dockets.justia.com>, since June, 2009, Respondent has been a named defendant in twenty-five (25) lawsuits for alleged violations of the federal Fair Debt Collection Practices Act.

### **FINDINGS OF FACT**

4. On or about August 10, 2012, the Department received a complaint from Idaho resident, RM, regarding Respondent's attempts to collect a debt from her.

5. In her complaint, RM alleges that in May, 2012, a representative of Respondent began to leave voice messages on her phone requesting a call back. The representative did not identify the reason RM was to call back and at no time did the representative indicate that the call was related to a debt collection effort.

6. In July of 2012, a representative called RM at her place of employment and, after a number of calls, RM advised the representative not to call her at work anymore. She also asked for supporting documentation from the creditor regarding the alleged debt. In response to that request, RM received generalized information from the creditor's credit card agreements with consumers. There wasn't anything in the provided information that identified RM, specifically, owing any debt to the creditor.

7. For a period of time after RM advised Respondent's representative to refrain from contacting her at work, Respondent complied. However, in August, 2012, a representative of Respondent began to contact RM at her place of employment again.

8. On August 13, 2012, the Department sent a letter to Respondent regarding its unlicensed debt collection activity. In that letter, the Department required the Respondent to cease all collection activities in Idaho and to provide information necessary for the Department to determine the extent of Respondent's unlicensed debt collection activities in Idaho. The Department also required Respondent to submit copies of all advertisements sent to consumers through email or otherwise. Further, that letter advised Respondent of the license requirement for engaging in collection activities regulated under the Act in Idaho, and informed Respondent of the possible sanctions under the Act for unlicensed activity. The letter also informed Respondent of the process for obtaining a license. The Department required that Respondent provide the requested information by August 27, 2012. The Respondent did not respond to that letter.

9. On October 25, 2012, the Department sent a follow-up letter to Respondent, requiring Respondent to comply with its August 13, 2012, letter. The Department gave Respondent until November 9, 2012, to submit the information. That letter, like the first, went unanswered.

10. Based on information provided to the Department and described above, Respondent has engaged in debt collection activity in Idaho and is not licensed, in violation of the Act. Additionally, Respondent has failed to address the allegations provided by RM.

## CONCLUSIONS OF LAW AND VIOLATIONS

11. The allegations set forth in paragraphs 1 through 10 above are fully incorporated herein by this reference.

12. Idaho Code § 26-2223 provides as follows, in pertinent part:

**26-2223. Collection agency, debt counselor, credit counselor, or credit repair organization – License required.** – No person shall without complying with the terms of this act and obtaining a license from the director:

(1) Operate as a collection agency, debt counselor, credit counselor, or credit repair organization in this state.

...

(2) Engage, either directly or indirectly, in this state in the business of collecting or receiving payment for others of any account, bill, claim or other indebtedness.

13. The term “collection agency” is defined in Idaho Code § 26-2222(2) to mean a person who engages in any of the activities enumerated in parts of Idaho Code § 26-2223, including subsection (2).

14. Respondent’s acts of engaging in debt collection activities without a license, as referenced above, constitute violations of Idaho Code § 26-2223(1) and –(2). Each contact of Idaho residents by Respondent for the purposes of collection constitutes a separate violation.

### REQUESTED RELIEF

15. Idaho Code § 26-2244(1) provides that whenever it appears to the Director that it is in the public interest, he may order any person to cease and desist from acts, practices, or omissions which constitute a violation of the Act.

### ORDER

The Director, having reviewed the foregoing, good cause being shown, and the public interest being served thereby,

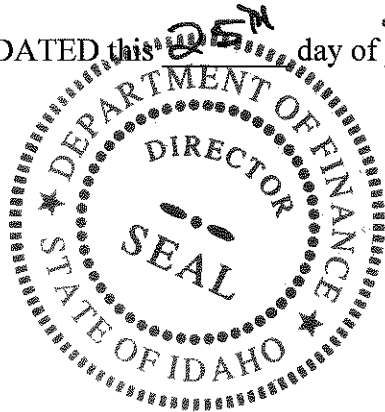
NOW, THEREFORE, the Director HEREBY FINDS that Respondent has violated the Idaho Collection Agency Act as set forth above.

Pursuant to Idaho Code § 26-2244(1), IT IS HEREBY ORDERED that Respondent and its agents and employees immediately CEASE AND DESIST from acts, practices, or omissions which constitute a violation of the Act, including specifically from engaging in collection activity in Idaho without the license required by the Act.

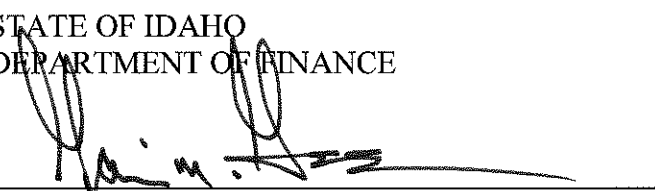
This ORDER TO CEASE AND DESIST is effective upon issuance.

**IT IS SO ORDERED.**

DATED this <sup>25<sup>th</sup></sup> day of JANUARY, 2013.



STATE OF IDAHO  
DEPARTMENT OF FINANCE

  
GAVIN M. GEE, Director

**NOTICE**

Respondent is HEREBY NOTIFIED that this ORDER TO CEASE AND DESIST is a final order of the Director.

Respondent may file a motion for reconsideration or request for hearing concerning this final order within fourteen (14) days of the service date of this order. Any such motion for reconsideration or request for hearing must be in writing, addressed to:

Michael Larsen  
Consumer Finance Bureau Chief  
Idaho Department of Finance  
P.O. Box 83720  
Boise, Idaho 83720-0031

A copy of such motion for reconsideration or request for a hearing shall also be served on the Department's counsel, Brian D. Nicholas, Deputy Attorney General, at the same address.

The Department will dispose of a motion for reconsideration within twenty-one (21) days of the receipt of a motion for reconsideration, or the motion will be considered denied by operation of law. Idaho Code § 67-5246(4); Idaho Rules of Administrative Procedure of the Attorney General (IRAP) at IDAPA 4.11.01.740.02.a. Should Respondent make a timely request for a hearing, the Department shall schedule a hearing within the twenty-one (21) day time period.

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal to the district court by filing a petition in the district court of the county in which:

- i. A hearing was held;
- ii. The final agency action was taken;
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho; or
- iv. The real property or personal property that was the subject of the agency action is located.

See IDAPA 04.11.01.740.02.b.

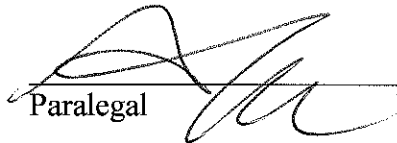
An appeal must be filed within twenty-eight (28) days of (a) the service date of this final order, (b) of an order denying a motion for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a motion for reconsideration or schedule a hearing, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to the district court does not itself stay the effectiveness or enforcement of the order under appeal. See IDAPA 04.11.01.740.02.c.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 25<sup>th</sup> day of January, 2013, I caused a true and correct copy of the foregoing fully-executed ORDER TO CEASE AND DESIST to be served on the following by the designated means:

James J. Standley  
Standley and Associates LLC  
5005 West 81<sup>st</sup> Place, Suite 200  
Westminster, CO 80031

- U.S. mail, postage prepaid
- Certified mail
- Facsimile:
- Email:

  
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Paralegal